



EDWARD P. YANKELUNAS
SPECIAL COUNSEL

P: 716.932.6587
F: 716.932.6687
EYANKELUNAS@TIVERONLAW.COM

MAIN PHONE: 716.636.7600
MAIN FAX: 716.636.7606
SERVICE BY FAX AND EMAIL NOT ACCEPTED

MAIN OFFICE
2410 NORTH FOREST ROAD
SUITE 301
AMHERST, NY 14068

BUFFALO
155 SUMMER STREET
BUFFALO, NY 14222

ELLICOTTVILLE
6133 ROUTE 219 S
SUITE 1005
ELLICOTTVILLE, NY 14731

LANCASTER
43 CENTRAL AVENUE
LANCASTER, NY 14086

LOCKPORT
770 DAVISON ROAD
LOCKPORT, NY 14094

October 9, 2023

VIA CM/ECF

Hon. William M. Skretny
2 Niagara Square
Buffalo, NY 14202

Re: Michael Nolan v. Western Regional Off Track Betting Corporation, et al
Case No. 21-cv-00922

Dear Judge Skretny:

This office represents the Plaintiff in the above action. I am writing this letter to the Court in response to the Defendants' motion for leave to submit supplemental briefing. The Defendants' motion was filed after the issuance by the Second Circuit on September 25, 2023 of a Summary Order remanding this case to the District Court. The case was remanded for the Court to consider the alternative grounds for dismissal presented by the Defendants under Rule 12(b)(6) of the Federal Rules of Civil Procedure that were not previously considered by the Court.

As long as the supplemental briefing focuses *solely* on the alternative grounds for dismissal not previously considered by the Court, and the Plaintiff is also permitted to submit supplemental briefing on those issues (as courteously requested in the Defendants' application), the Plaintiff has no objection to the Defendants' application.

We do respectfully request the opportunity to present oral argument if the application for supplemental briefing is granted. Thank you for your consideration.

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Respectfully yours,



Edward P. Yankelunas

Cc: Aaron M. Saykin, Esq.